

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

**MARK A. PENDERGRAFT,**

**Plaintiff,**

**v.**

**(1) BOARD OF REGENTS OF  
OKLAHOMA COLLEGES,**

**(2) DAVID MISAK,  
in his individual capacity; and,**

**(3) TODD THURMAN,  
in his individual capacity,**

**Defendants.**

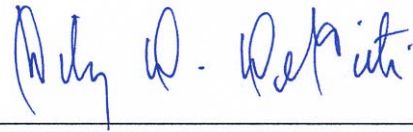
**Case No. CIV-18-793-D**

**ORDER**

Defendants moved to dismiss Plaintiff's Complaint on September 18, 2018. [Doc. No. 10] and [Doc. No. 12]. During the pendency of the motions, Plaintiff timely filed an Amended Complaint [Doc. No. 17] as authorized by Fed. R. Civ. P. 15(a)(1)(B). This Amended Complaint supersedes Plaintiff's original pleading and renders it of no legal effect. *See Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10<sup>th</sup> Cir. 1991); *Predator Int'l, Inc. v. Gamo Outdoor USA, Inc.*, 793 F.3d 1177, 1180-1181 (10<sup>th</sup> Cir. 2015); *Mink v. Suthers*, 482 F.3d 1244, 1254 (10<sup>th</sup> Cir. 2007). Thus, Defendants' motions directed at the Complaint are moot.

**IT IS THEREFORE ORDERED** that Defendants David Misak and Todd Thurman's Motion to Dismiss [Doc. No. 10] and Defendant Board of Regents of Oklahoma Colleges' Motion to Dismiss [Doc. No. 12] are **DENIED** as moot.

**IT IS SO ORDERED** this 1<sup>st</sup> day of November 2018.

A handwritten signature in blue ink, reading "Timothy D. DeGiusti".

---

TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE